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August 4, 2008

**VIA FACSIMILE TO 212-805-6382**

The Honorable Victor Marrero  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1368


**RE: Plummer v. Avante USA  
08 CV 1465 (VM)**

Dear Judge Marrero:

I represent the plaintiff in the above referenced matter and am writing to Your Honor to have the matter restored. I will file the affidavit of service shortly but the complaint was served within the 120 day period. In the meantime, I have been working on settling the matter with counsel in Texas.

Thank you for the Court's consideration of the foregoing.

Yours faithfully,

  
Adam J. Fishbein

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DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8-7-08

*The Court will consider  
the request of plaintiff to restore  
this action to the Court's  
active calendar upon filing  
of affidavit of service confirming  
that defendants were served within  
SO ORDERED: the 120-day period allowed.  
8-6-08*  
DATE VICTOR MARRERO, U.S.D.J.